
By: **Delegates Nathan-Pulliam, Burns, Goldwater, Jones, and Montgomery**
Introduced and read first time: February 23, 2004
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment - Breast-Feeding - Workplace Accommodations**

3 FOR the purpose of allowing a female employee to express breast milk or breast-feed
4 at the employee's workplace; requiring an employer to make a reasonable effort
5 to provide a certain room or location to certain employees for the purpose of
6 expressing breast milk or breast-feeding; providing for the requirements of a
7 certain room or location; defining certain terms; and generally relating to
8 workplace accommodations and breast-feeding.

9 BY adding to
10 Article - Labor and Employment
11 Section 3-708
12 Annotated Code of Maryland
13 (1999 Replacement Volume and 2003 Supplement)

14 **Preamble**

15 WHEREAS, Extensive and recent research has documented the diverse and
16 compelling health, nutritional, developmental, psychological, social, economic, and
17 environmental benefits to infants, mothers, families, and society from breast-feeding;
18 and

19 WHEREAS, Epidemiological research in the United States, Canada, Europe,
20 and other developed countries shows that infants who are breast-fed have a
21 significantly decreased risk of developing a large number of acute and chronic
22 diseases; and

23 WHEREAS, A large volume of research correlate many health benefits to
24 breast-feeding mothers, including an earlier return to postpartum weight, improved
25 bone remineralization postpartum with a reduction of hip fractures in the
26 postmenopausal period, and the reduced risks of ovarian and breast cancer; and

27 WHEREAS, Increasing the rates of breast-feeding initiation and duration is a
28 national health objective, and one of the specific goals of Health People 2010, a
29 national prevention initiative to improve the health of all Americans; and

1 WHEREAS, A study conducted by a major health maintenance organization
2 found that infants breast-fed for a minimum of 6 months filed less in health care
3 claims than formula fed infants and a University of California at Los Angeles School
4 of Nursing study found that breast-fed infants have 35% fewer illnesses than formula
5 fed infants and the breast-fed infant's mother had a corresponding 27% lower
6 absentee rate; and

7 WHEREAS, Employers benefit from their support of a mother's decision to
8 breast-feed by having lower health care costs, less employee absenteeism, better
9 workplace morale, and a quicker return to the workplace; now, therefore,

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
11 MARYLAND, That the Laws of Maryland read as follows:

12 **Article - Labor and Employment**

13 3-708.

14 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
15 INDICATED.

16 (2) "EMPLOYER" HAS THE MEANING DEFINED IN § 3-301 OF THIS TITLE.

17 (3) "REASONABLE EFFORT" MEANS AN EFFORT BY THE EMPLOYER THAT
18 WOULD NOT IMPOSE A SIGNIFICANT DIFFICULTY OR EXPENSE ON THE OPERATION
19 OF THE EMPLOYER'S BUSINESS WHEN CONSIDERED IN RELATION TO THE SIZE OF
20 THE BUSINESS, THE EMPLOYER'S FINANCIAL RESOURCES, AND THE NATURE AND
21 STRUCTURE OF THE BUSINESS OPERATION.

22 (B) A FEMALE EMPLOYEE MAY EXPRESS BREAST MILK OR BREAST-FEED ON
23 SITE AT THE EMPLOYEE'S WORKPLACE DURING A BREAK.

24 (C) (1) AN EMPLOYER SHALL MAKE A REASONABLE EFFORT TO PROVIDE A
25 PRIVATE ROOM OR LOCATION WHERE AN EMPLOYEE MAY EXPRESS THE EMPLOYEE'S
26 BREAST MILK OR BREAST-FEED.

27 (2) THE PRIVATE ROOM OR LOCATION:

28 (I) SHALL BE IN CLOSE PROXIMITY TO THE WORK AREA;

29 (II) SHALL BE REASONABLY CLEAN AND SANITARY; AND

30 (III) MAY NOT BE A TOILET STALL.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2004.